

CHAPTER 7 FEDERAL REGISTRATION AND ABSENTEE VOTING PROGRAMS

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FEDERAL MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT (MOVE ACT):

NOTE: The Bureau of Elections has a dedicated web page that includes instructions, forms and other pertinent information related to the issuance of ballots to military and overseas voters. Go to www.michigan.gov/elections; “Information for Election Administrators”; “Military and Overseas Voter Information”. A detailed step by step manual is available on this web page that should be used when issuing military and overseas ballots.

The federal Military and Overseas Voter Empowerment Act (MOVE Act) of 2009 and the related enabling legislation passed by the Michigan Legislature in 2010 impacted the administration of registration and absentee voting programs for military and overseas civilian voters eligible to vote in Michigan. The MOVE Act and related state legislation accomplished the following:

- Voters covered under the MOVE Act are extended the opportunity to receive absentee ballots for all elections for the calendar year via the Internet or by fax. Absentee ballots must be returned by mail. (MCL 168.759a)
- Established a 45-day absentee ballot delivery deadline for all Michigan elections. (MCL 168.759a)
- Expanded the use of the Federal Write-In Absentee Ballot (FWAB) to include all regular or special elections to vote for local, state, or federal offices or ballot questions. (MCL 168.759a)

- Local clerks must report to the county the number of ballots requested by military and overseas voters prior to the 45-day ballot transmittal deadline. This report will include the number of ballots requested, if all requests were honored and any remedial action taken if the ballots were not transmitted by the deadline. This report is due to the county clerk by the 45th day prior to the elections. The county clerk must then consolidate the jurisdiction reports into a consolidated report to the state by the 42nd day prior to the election. (MCL 168.759a(14))
- NOTE: State law (effective March 27, 2013) allows the Secretary of State to extend the ballot receipt deadline for any ballots that are not transmitted by the 45-day statutory deadline. The extended receipt deadline will be equal to the number of days beyond the deadline that the late ballots were transmitted. Late-transmitted ballots that are received on or before the extended receipt deadline will be counted, provided the affected ballots are executed and sent by the voters no later than the close of the polls on election day. The election may be certified before the extended receipt deadline elapses, provided the number of ballots affected will not alter the outcome of the election.

Military and overseas voters are defined as follows:

- 1) A member of a uniformed service on active duty who is absent from his or her city or township of residence. (Voter can be inside the United States or outside the United States.)
- 2) A member of the Merchant Marine who, by reason of service in the Merchant Marine, is absent from his or her city or township of residence. (Voter can be inside the United States or outside the United States.)
- 3) A spouse or dependent of a member of a uniformed service or a member of the Merchant Marine who, by reason of the active duty or service of the member, is absent from his or her city or township of residence. (Voter can be inside the United States or outside the United States.)
- 4) A civilian voter who is outside the United States and is eligible to vote in Michigan. A spouse or dependent of an overseas civilian voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.

FEDERAL POST CARD APPLICATION FORMS (FPCAS): The Federal Post Card Application (FPCA) is postage-free voter registration/absent voter ballot application produced and distributed by the federal government for use by military and overseas civilian voters. The FPCA may serve as both an absentee ballot application *and* a new voter registration form under specific circumstances.

Absentee ballot requests received from covered voters must be *honored for every election* conducted in the applicant's city or township of residence or village of residence (if any) *through the end of the calendar year* in which the request was received. (An absentee ballot request is also good for all elections in a calendar year if it is received after the last election in the prior year.) This includes all school district elections. To facilitate this requirement, city and township clerks and school election coordinators must share information as necessary to facilitate the issuance of ballots to covered voters who are entitled to receive an absent voter ballot for each election held during the calendar year.

A person who is eligible to use an FPCA to obtain an absent voter ballot may register up to 8:00 p.m. on the day of the election; the 30-day registration deadline is waived. If an individual submitting an FPCA is not registered to vote, the FPCA can be accepted as the voter's registration application.

An FPCA may be used by one person only; if a husband and wife or several family members who are eligible to use an FPCA wish to obtain absent voter ballots, each must complete a separate FPCA form.

Additional Considerations Concerning the Federal Post Card Application (FPCA)

- Local election officials must provide return notification in any instance where a voter registration application or absent voter ballot request submitted by an absent uniformed services voter or an overseas voter is rejected. The notifications can be issued by any convenient means (letter, fax or e-mail).
- The FPCA form is available at the Federal Voting Assistance Program Website (<http://www.fvap.gov>).
- If a uniformed services voter or dependent, or an overseas voter or dependent, submits a signed absent voter ballot request (including a fax or electronically transmitted (emailed) copy of a request containing an image of the applicant's signature), an absent voter ballot is immediately forwarded to the applicant. As noted above, if the applicant is not registered, and the FPCA form was used, the FPCA is accepted as the voter's registration application.

- If the FPCA form was not used and the voter is not currently registered, immediately send the requested ballot and registration forms. In this case, it is recommended that a separate envelope be provided for the return of the completed voter registration form. If the registration forms and the ballot are returned by 8:00 p.m. on election night, the ballot can be counted.

Electronic Transmission of Blank Ballots and the "Absent Ballot Tracker" System

- Electronic transmission of voter registration application forms and absent voter ballot request forms: City and township clerks must be prepared to direct the covered voter to the Federal Voting Assistance Program office at www.fvap.gov to access a blank Federal Post Card Application (FPCA) form.
- Electronic transmission of blank absent voter ballots: City and township clerks must be prepared to send covered voters a blank absent voter ballot by email or fax if the voter requests the electronic transmission of his or her absent voter ballot. Specially designed absent voter ballots that can be transmitted electronically are supplied through the "Election Management Portal" Web site. When transmitted to the voter, the ballot must be accompanied by special voting instructions and a voter certificate.
- Detailed instructions for issuing electronic absent voter ballots to military and overseas voters, including all required forms, are available at the Bureau of Elections website at www.michigan.gov/elections; under "Information for Election Administrators"; "Military and Overseas Voting".
- City and township clerks who do not have Internet access must work with the county clerk to handle such requests. County clerks must be prepared to work with the local clerks in the county who need such assistance.
- Processing voted absent voter ballots issued by email or fax: Voters who receive an absent voter ballot by email must print the ballot, mark the printed ballot and return the marked ballot by mail. If the voter requests that the ballot be delivered by fax, the city or township clerk must prepare and forward a copy of the ballot, voter signature certificate and special voting instructions by fax. The ***electronic submission of voted absent voter ballots is not permitted***. The votes on such a ballot must be transferred to a regular optical scan ballot to permit the tabulation of the ballot. Standard ballot duplication procedures must be employed. County and local clerks must be prepared to train their election inspectors on the ballot processing steps involved.

- "Absentee Ballot Tracker" system: Federal law requires all states to develop a "free access system" that allows a covered voter to determine whether his or her absentee ballot was received by the city or township clerk. The QVF AV EMP module has been modified to satisfy this requirement. (The voter will be able to access information on the status of his or her absentee ballot through the Michigan Voter Information Center (MVIC) Web site at www.michigan.gov/vote.) City and township clerks are required by law to enter the appropriate absentee voting information for any covered voters in their respective jurisdictions into the QVF AV module or the Election Management Portal if they do not have direct access to QVF.
- City and township clerks who do not have access to the Internet must work with the county clerk to accomplish this task. County clerks must be prepared to assist the local clerks in the county who need such assistance.

Frequently Asked Questions: The following addresses a number of frequently asked questions regarding absent uniformed services and overseas voters:

- A qualified elector who is overseas and who resided in Michigan immediately before leaving the United States may register in the city or township where his or her residence was located – even if an established place of residence is no longer maintained in the city or township or if the residence, or other location, where they resided is no longer in existence.
- There is no limit to the length of time a person may reside or travel outside of the territorial limits of the United States and still vote by absent voter ballot. As long as the person remains qualified to vote and properly applies for ballots, the ballot requests must be honored.
- If an absent uniformed services voter or an overseas voter submitting an absent voter ballot request or voter registration application is not registered in the city or township – and it can be determined from the information supplied on the form that the person does not have the necessary qualifications to vote in the jurisdiction – a letter of explanation must be sent to the applicant.
- If an absent uniformed services voter or overseas voter (or a spouse or dependent) applies for an absent voter ballot in a letter instead of an FPCA, immediately send the requested ballot if the applicant is registered. If the applicant is not registered, immediately send the requested ballot and registration forms. If the registration forms and the ballot are returned by 8:00 p.m. on election night, the ballot can be counted.

FEDERAL WRITE-IN ABSENTEE BALLOTS (FWAB'S): The Federal Write-In Absentee Ballot (FWAB) is a special write-in ballot (provided and distributed by the federal government) for use by military and overseas voters to vote in all regular or special elections for any local, state, or federal offices or ballot questions. (MCL 168.759a)

Additional Considerations concerning the Federal Write-In Absentee Ballot (FWAB)

- A FWAB is not valid unless the voter submitted a written request for an absentee ballot by Saturday 2:00 p.m. preceding the election. An absent voter ballot request received by the Bureau of Elections or a county clerk's office on or before the deadline satisfies the application deadline.
- If a voter who requests an absentee ballot returns both the ballot issued by the clerk's office and an FWAB before 8:00 p.m. on the date of the election, the clerk accepts the ballot issued through his/her office and rejects the FWAB. On the other hand, if both ballots are returned -- and one of the ballots arrives before 8:00 p.m. on the date of the election and the other ballot arrives after 8:00 p.m. on the date of the election -- the clerk accepts the ballot submitted on time *regardless of whether it is the FWAB or the ballot issued through his/her office* and rejects the ballot that arrived late.
- If the voter's signature is missing, the FWAB is invalid.
- A voter using an FWAB can cast a vote for a candidate seeking a federal, state or local partisan office at a general election by writing in the candidate's *name or political party*. If the voter writes in the name of a political party, a vote is counted for the candidate seeking the office under the indicated party's vignette.
- A voter using an FWAB can cast a vote for candidates seeking a state or local non-partisan office by writing in the candidate's name and indicating the office the candidate is running for.
- A voter using an FWAB can cast a vote for state or local proposals by identifying the proposal and indicating a "Yes" or "No" vote.
- A voter is *not* required to fill in an oval or complete an arrow on the FWAB for their vote to be counted.
- Federal law provides that any abbreviation, misspelling or other minor variation in the form of a candidate's name or the name of a political party is to be disregarded in determining the validity of the vote cast if the voter's intention can be determined.

REQUIRED SCHEDULE FOR DELIVERY OF BALLOTS TO CLERKS

- Under the Law, each county board of commissioners must deliver the ballots required for any regular or special election or official primary election to the county clerk at the earliest possible time after the proof of the ballots has been approved. The board also must deliver absent voter ballots to the county clerk at least 47 days before each election. Each county clerk must deliver all absent voter ballots to the clerk of each city and township in the county at least 45 days prior to the election.
- Each county clerk must deliver absent voter ballots for each precinct to the clerk of each township and city in the county. The delivery must be at the earliest possible time and at least 45 days before the each election.
- **IMPORTANT NOTE:** If a military or overseas voter requests his/her ballot to be transmitted by US postal mail and paper ballots are not yet available, an electronic ballot may be generated, printed and mailed to the voter. This is especially critical if paper ballots are not available within the 45-day deadline as required by law. **In these cases, electronic ballots must be generated and mailed to these voters within the 45-day deadline.** See the Bureau of Elections web site for more detailed instructions.

TRANSMISSION AND RETURN OF APO/FPO ABSENTEE BALLOTS BY MAIL

Mailing APO/FPO Absentee Ballots: To ensure the most efficient handling of absentee ballots mailed to members of the military stationed outside of the United States, the United States Postal Service (USPS) requests that all APO/FPO absentee ballots be 1) separated from all regular mail and other domestic absentee ballots and 2) delivered directly to a USPS clerk or mail carrier. The USPS further cautions that to avoid delivery delays, APO/FPO absentee ballots should *not* be placed in USPS collection boxes.

Election Officials are encouraged to carefully prepare ballots destined to APO and FPO addresses in accordance with the Domestic Mail Manual, 703. 8.0 Absentee Balloting Materials.

Express Mail Label 11-DOD: The unique Express Mail label is only for use with absentee ballots originating from overseas military postal locations. The label, which is distributed by the Military Postal Service, is the result of a joint effort by the Postal Service and the Military Postal Service Agency in response to the MOVE Act. It may be used on any size ballot envelope and is designed to be affixed

to the upper right corner of the ballot envelope. A portion of the label is retained by the voter for tracking their ballot. Further information is available from the USPS Web site (<http://www.usps.com/electionmail/ballot.htm>).

Obtaining Updated Mailing Addresses: Updated mailing addresses for military voters can be obtained by contacting the Federal Voting Assistance Program (FVAP) office in Washington, D.C. Seeking such information is essential anytime there is a question over a military voter's current address or in any instance where an absent voter ballot mailed to a military voter is returned as "undeliverable." There are two ways to seek such assistance:

- Fax the military voter's name, birth date, Social Security Number (if available) and any addressing information on file for the voter to the FVAP office. Fax number: (703) 696-1352.
- Call the FVAP office and ask to speak to a representative. Toll free number; (800) 438-8683.